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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,556	08/17/2000	ANISH K. ARORA	1018.050US2	6351

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LEYDIG VOIT & MAYER, LTD  
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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,556

Applicant(s)

ARORA ET AL.

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/17/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: should be consistent in the element naming for Sensor Heartbeats (see page 18 line 3 and fig 6). Appropriate correction is required.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: note reference number 304 on page 16 line 12, note reference number 306 on page 16 line 12, 15 and 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kutzit U.S.

Patent No. 5,692,215. Referring to claim 1, Kutzit discloses a method to monitor a pattern of the daily live activities of a user (see col. 3 line 30-32 of Kutzit) to setup a predetermined action (see fig. 11B of Kutzit).

Referring to claim 2, Kutzit discloses a method of storing information input by the detectors (see col. 7 line 41-43 of Kutzit). Here the limitation, “database” is broadly interpreted to mean, “storage device”.

Referring to claim 3, Kutzit discloses a trend analysis report is employed for comparing the patterns of user daily activities captured over the period of time (see col. 18 lines 45-47 of Kutzit). Here the limitation, “model of acceptable” is broadly interpreted to mean, “comparing a pattern against another pattern”.

Referring to claims 4 and 5, Kutzit discloses a method of predetermined action of a water flow detection system (see fig. 11F of Kutzit).

Referring to claim 6, Kutzit discloses a C++ or equivalent executable program is stored on a computer (see col. 4 line 31-35 of Kutzit).

Referring to claim 7, Kutzit discloses a system controller is generating a control signal in response to a pattern of the daily living activities (see col. 2 line 35-38 of Kutzit). Kutzit discloses also a voice data storage device (see col. 4 line 59-61 or fig. 2 of Kutzit). Here the limitation, “database” is broadly interpreted to mean, “storage device”.

Referring to claim 8, Kutzit discloses a system controller is generating a log file within the device (see col. 12 line 46-47 of Kutzit). Kutzit discloses also a present of the trend analysis report to help the controller response better upon a model patterns in the daily activities (see col. 19 line 8-12 of Kutzit).

Referring to claim 9, Kutzit discloses a system controller is generating a control signal in response to a pattern of the daily living activities (see col. 2 line 35-38 of Kutzit). Kutzit

Art Unit: 2121

disclosed the availability of a trend analysis report for analyzing patterns over time (see col. 19 lines 29-34 of Kutzit).

Referring to claim 10, Kutzit discloses a system controller is generating a log file within the device (see col. 12 line 65-67 and col. 13 line 1 of Kutzit), Kutzit teaches the analysis report helps the system controller enhancing all detection activities patterns (see col. 19 line 29-34 of Kutzit).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutzit.

Kutzit. Kutzit discloses a system controller contain computer program that executed to control multiple devices (see fig. 2 of Kutzit), detecting problems with the trend analysis report for improvement of controlling devices (see col. 19 line 29-34 of Kutzit), monitoring a pattern of daily live activities (see col. 2 line 35-38 of Kutzit), storing detected data in a type of database (see col. 7 line 41-43 of Kutzit), comparing patterns collecting over a period of time for analysis (see col. 18 line 45-47 of Kutzit). It is inherent that the system controller of Kutzit must know the attributes of all the controlling devices in order for the system to work. It is unclear that Kutzit discloses the system controller has a subscription eventing component to add or delete components. It is the position of the examiner, however, that the user of the system controller of Kutzit should be able to make changes to include or exclude any part of the controlling devices.

Art Unit: 2121

One of ordinary skill in the art would have been motivated to include a flexible feature of add or delete any of the controlling devices customizing to individual needs. Thus, it would have been obvious, because of this motivation, to include a flexible feature <sup>or</sup> ~~on~~ to enable customizing of the control devices.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lincoln U.S. Patent No. 6,108,614 discloses a user-responsive system between a controller and a plurality of remotes.

Donaldson U.S. Patent No. 6,112,237 discloses an electronic motoring method for externally monitoring processes in a preexisting computer system.

Spencer U.S. Patent No. 6,195,243 discloses a method and apparatus configuration for controlling electronic circuit breaker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas K Pham whose telephone number is 703 305-7587. The examiner can normally be reached on M-F 8-4 with every other F off.

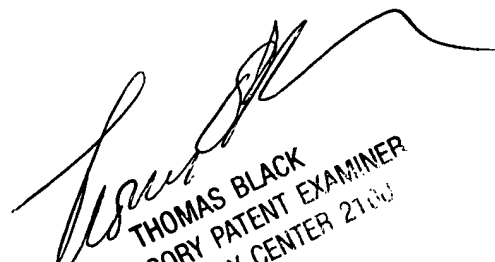
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703 305-9707. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-5403 for regular communications and 703 308-7587 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Application/Control Number: 09/641,556  
Art Unit: 2121

Page 6

Thomas Pham  
July 15, 2002

  
THOMAS BLACK  
SUPERVISORY PATENT EXAMINER  
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